REMARKS

Claims 39-62 are pending.

Claims 39-62 stand rejected.

Claims 40 and 51 have been cancelled without prejudice or disclaimer of the subject matter recited therein.

Claims 39, 50, 61, and 62 have been amended for clarity and not for reasons of patentability. Specifically, a "combination of multiple like" resources has been replaced with a "pool of" resources. Also, "selecting ("select" claim 61) the element when the resource has not been previously consumed" has been amended to clarify that "the resource" refers to the resource "offered by the element." Antecedent basis issues have also been addressed.

Claim Rejections - 35 U.S.C. § 112, second paragraph

Claims 39-62 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the rejection.

The Examiner states that "conflicting meanings of the term "resource," when compared with the multiple term uses in the claims, make the meaning and scope of the claims indefinite." More specifically, the Examiner recites multiple uses of the term "resources" in claims 39, 50, 61, and 62 and states on page 3 of the Office Action that "These terms appear to contract each other and create antecedent basis problems; it is unclear when a "resource" comprises only one item and when a "resource" comprises multiple instances of items that themselves are defined as "resources".

Initially, Applicants note that the invention is defined by the claims and limited to embodiments presented in the Specification of the present application.

Applicants respectfully submit that the claims meet the requirements of 35 U.S.C. § 112.

The Specification makes clear that an element may provide a resource wherein the resource can be, but is not necessarily, a pooling of multiple resources. The Specification states

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that a "resource can be supplied by a resource pool." Present Application, p. 12, lns. 26-27. For example, a "structural superior can pool resources and provide an homogeneous resource to its structural inferiors." *Id.*, p. 12, lns. 20-22. Page 33, lns. 9-10 of the Specification further consistently state that "A resource is a system commodity that is associated with component types. A resource may be assigned to multiple component types. Multiple resources may be assigned to a component." Thus, "one of the elements offering a resource ... wherein the resource offered by at least one of the elements in the structural model hierarchy represents a pool of resources" is entirely consistent with the Specification. Claims 39, 50, 61, and 62.

The remaining question is whether the Specification is internally inconsistent with regard to the term "resources". Applicants respectfully submit that the Specification is internally consistent. The Examiner identifies an alleged conflict between "In the first case regarding power supplies, the "resource" is a necessity that must [be] supplied to the system in order for the system to operate; in the second case, the "resource" is a commodity supplied by the component (such as the amount of static RAM) for use in the configuration." Office Action, p. 5.

Applicants respectfully submit that the alleged conflict identified by the Examiner is not a true conflict but simply 'two sides of the same coin'. A resource can be both supplied to a component and supplied by another component. For example, a power supply or a group of power supplies can provide a resource 'power' to components, such as a monitor. Thus, the resource "power" is supplied by one component and supplied to another component. Similarly, 'memory' is supplied by, for example, a random access memory (RAM) component to, for example, a processor. Thus, both the power supply example and memory example are consistent with "A resource is a system commodity that is associated with component types. A resource may be assigned to multiple component types. Multiple resources may be assigned to a component." Applicants respectfully reiterate that the invention is defined by the claims and limited to embodiments presented in the Specification of the present application.

Since the Specification is internally consistent with regard to the term "resource(s)", recitation of the term "resource(s)" in the claims cannot be a *de facto* source of indefiniteness.

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Relevant excerpts of claims 39, 50, 61, and 62 are presented below to demonstrate compliance with 35 U.S.C. § 112 in areas identified by the Examiner.

<u>Claim 39 recites in part:</u>

the configuration model includes a defined structural hierarchy of elements and a plurality of resources offered by elements in the structural model hierarchy;

(a) examining the configuration instance for one of the elements offering a resource in response to a request for the resource, wherein the resource offered by at least one of the elements in the structural model hierarchy represents a pool of resources;

(b) selecting the element when the resource offered by the element has not been previously consumed;

<u>Claim 50 recites in part:</u>

elements included in the model are defined in a structural model hierarchy and each of the elements offers one or more resources.

a configuration engine ... to satisfy a resource request using a resource-offered by one of the elements.

examining the configuration instance for one of the elements offering a resource in response to a request for the resource, wherein the resource offered by at least one of the elements in the structural model hierarchy represents a pool of resources.

<u>Claim 61 recites in part:</u>

wherein the configuration model includes a defined structural hierarchy of elements and a plurality of resources offered by elements in the structural model hierarchy;

(a) examine the configuration instance for one of the elements offering a resource in response to a request for the resource, wherein the resource offered by at least one of the elements in the structural model hierarchy represents a pool of resources;

(b) select the element when the resource offered by the element has not been previously consumed;

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<u>Claim 62 recites in part:</u>

means for defining a structural model hierarchy and a plurality of resources offered by elements in the structural model hierarchy;
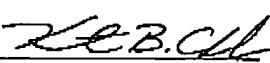
(a) means for examining the configuration instance for one of the elements offering a resource in response to a request for the resource, wherein the resource offered by at least one of the elements in the structural model hierarchy represents a pool of resources;

(b) means for selecting the element when the resource offered by the element has not been previously consumed;

Additionally, the Examiner on page 3 of the Office Action states with regard to pooled resources that "this description appears limited to power resources." Applicants respectfully submit that power resources are merely one example of the use of pooled resources. For example, "another resource that may use this resource pooling capability is a heat dissipation resource", and "a "structural superior can pool resources and provide an homogeneous resource to its structural inferiors." Present Application, 12, Ins. 20-22 and p. 24, Ins. 6-7.

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CONCLUSION

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The application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted via facsimile to the USPTO on November 29, 2004.

Kent B. Chambers   _Nov, 29, 2004_

Attorney for Applicant(s)   Date of Signature

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